

**REMARKS:**

After the entry of the foregoing amendment, Claims 1-25 are pending in this application. Claim 7 has been cancelled and claims 8-9 have been withdrawn as directed to non-elected species. The Examiner rejected Claims 1-6, 10, 12-21, 23 and 24 under 35 U.S.C. 102(b) and indicated that Claims 11 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 15 have been amended and new Claim 25 has been added in the foregoing amendment.

**REJECTION UNDER 35 USC § 102(a)**

Claims 1-6, 10, 12-21, 23 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by US 4,593,953 to Baba et al. (Baba). Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following.

**Independent Claims 1, 15 and 25:**

Baba describes a wheel cover having a plurality of ventilation openings 6 and respective closing plates 7 to which heat sensing members 8 are attached such that the closing plates 7 open and close in accordance with the change of the temperature of the heat sensing members 8. The wheel cover 4 of Baba is "mounted on the outermost side of the disc wheel 1 by means of its peripheral portions (not shown) which are inserted with force into the inner periphery of the rim 2". Column 3, lines 7-11. The ventilation openings 6 and the closing plates 7 of Baba, i.e. the parts that are moveable in response to temperature changes are provided to cover and expose the side of the associated brake disk, not the radially outward face of the brake disk where the air directly strikes when exposed while the vehicle is moving.

In contrast, the protection means (13) of amended Claim 1 is configured to cover at least partly a radially outward face of the brake disk for effectively preventing dirt particles and on-coming, travel generated wind from directly striking the brake disk (12) associated therewith when the protection means (13) is disposed in a first end position and configured to expose at least partly the radially outward face of the brake disk for allowing relative wind to directly strike said brake disk (12) associated therewith when disposed in a second end position. As shown e.g. in Fig. 3, the radially outward face of the brake disk 12 is partly covered by tongue 13a (in solid line) in the first end position and is exposed such that the air directly strikes the edge of the brake disk 12 to cool the disk brake in the second position (in dashed line). The invention of Claim 1 is particularly effective in cooling and

covering the brake disk because the protection means covers and exposes the part of the brake disk to which the air directly strikes when the vehicle is moving. The wheel cover of Baba cannot close and open the part of the wheel cover that corresponds to the radially outward face (in the instance of amended claims 1 and 15, or radially forward face in the instance of new claim 25) of the brake disk because the periphery of the Baba wheel cover is force-fitted onto the disc wheel and cannot expose the radially outward face of the brake disk. In light of the foregoing, it is submitted that Claims 1, 15 and 25 are not anticipated by Baba, or rendered obvious in view of any one or more appropriately combined references of record.

**The Dependent Claims:**

The dependent claims are allowable at least for the reasons cited with respect to the independent claims from which they depend, but further in view of the limitations recited therein. An example is found in claims 10 and 11 that recite the L-shape of the protection means which is clearly not disclosed, taught or suggested in any of the references of record singly, or in any appropriate combination thereof.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.187.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,



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